

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Testamentary and Intestate Jurisdiction
ORIGINAL SIDE

IA NO. GA/2/2025
PLA/136/1997

IN THE GOODS OF :
ASARAM BIYANI ALSO
KNOWN AS ASURAM BIYANI (DEC.)

BEFORE:

The Hon'ble JUSTICE BISWAROOP CHOWDHURY

Date : 22nd April, 2025.

Appearance:

Mr. Supriya Ranjan Ghosh, Adv.

Mr. Jayabrata Mukherjee, Adv.

...for the petitioner

1. Mr. Supriya Ranjan Ghosh, learned Advocate, is appearing for the petitioner is present.
2. This is an application filed by the petitioner for necessary amendment with regard to the affidavit of assets filed in probate PLA/136/1997.
3. This is the prayer of the petitioner that the probate of the last Will and Testament dated 11th September, 1990 of the deceased Asaram Biyani also known as Asuram Biyani be granted.
4. The probate of the Will of Asaram Biyani was granted on 29th July, 1997. Pursuant to the grant of probate and after passing of 27 years, this application is taken out for rectification on the basis of the notice dated 13th November, 2024 issued by Link Intime Private Limited that the number of shares held by the deceased was 368 shares and the probate was granted with regard to 123 shares due to inadvertence in mentioning the same in the affidavit of assets.

5. Pursuant to the letter dated 13th November, 2024, the petitioner has come up with the instant application. By an order dated 11th March, 2025, the petitioner was directed to produce the relevant documents with regard to the shares held by the deceased.

6. The petitioner has thus filed the said affidavit. Upon considering the nature of relief sought, this Court is of the view that although there is a delay of 27 years but as the mistake is detected in 13th November, 2024, the delay in preferring this application may be condoned. Thus, I condone the delay in making this application. The prayer of the petitioner is allowed.

7. Let there be an order in terms of prayers (a), (b) and (c) of the Master Summons dated 14th February, 2025. Thus, leave is granted to amend the petition of probate and affidavit of assets in PLA/136/1997 as marked in annexure-A and B herein.

8. The Department is directed to carry out the necessary amendments within four weeks and leave is, further, granted thereby to re-affirm the affidavit of assets as well as petition of probate after carrying out the necessary amendment by the Department.

9. The matter GA/2/2025 is disposed of.

(BISWAROOP CHOWDHURY, J.)